THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20851 of 1998

Dated:20.07.2007

Between
D.Ramakrishnamma

.....Petitioner

and

1.The Member Secretary, APSEB,
Vidyuth Soudha, Hyderabad and
Others.

…Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20851 of 1998

ORDER:

This writ petition has been filed seeking a Mandamus to declare the action of the respondents in not regularizing/absorbing the petitioner as Full Time Sweeper, even though the petitioner has been working continuously for the last 24 years as Part Time Sweeper as arbitrary and illegal and consequently to direct the respondents to absorb her as Full Time Sweeper as per G.O.Ms.No.112, Fin & Plg (FWPC.III) Department, dated 23.7.1997 with all consequential benefits.

It is the case of the petitioner that she has been working as a Part Time Sweeper continuously from 19.4.1974 without any

interruption. The petitioner relied upon a memo issued by the Secretary, Andhra Pradesh State Electricity Board, Hyderabad dated 28.5.1980 whereunder certain guidelines were issued for absorption of contingent employees in regular posts. Guideline No.2 contemplates, the contingent employee with less than 10 years of service and more than 5 years of service (those in service prior to the ban on fresh recruitment during, 1974) should be continued as at present, until consideration for regular absorption. Pursuant to the said Memo, the petitioner was continued all along, but her services were not regularized. On a representation made by the petitioner, the Superintending Engineer, O & M Circle, N.S.H.E.Scheme, Pylon addressed a letter to the Divisional Engineer, Nagarjunasagar, requesting him to submit proposals with full justification and enquire as to why the case of

the petitioner was not considered since January 1980. In spite of the same, nothing was moved in this regard. Thereafter, the petitioner made another representation dated 3.3.1998 to the Divisional Engineer, Electrical, Nagarjuna Sagar, but there was no response. Hence, this writ petition.

A detailed counter affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner. It is asserted that as per Memos dated 28.5.1980 and 22.11.1983 only full time contingent employees are entitled for regularization against sanctioned vacancies and not the part time contingent employees. Therefore, the case of the petitioner was not considered.

It is an admitted fact that the petitioner has been working as a part time contingent Sweeper from 19.4.1974, but for some intrinsic purposes, she worked as a full time

watchman. This shows that the respondents have never cared to absorb the petitioner in any full time contingent post which arose either before 1980 or thereafter. The petitioner is being continued only as a part time contingent Sweeper all through for 35 long years.

Under those circumstances, I deem it appropriate to direct the respondents to consider the case of the petitioner sympathetically and absorb her in any full time contingent vacancy or regularize her services in any suitable post in the organization and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of the order and communicate the same to the petitioner.

With the above direction, the writ petition is disposed of. No costs.

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20-07-2007

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